

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-557

August 11, 1998

ROBERT M. ODLIN  
Application for Authority  
to Provide Water Taxi Service  
and Freight Service in Casco Bay

ORDER GRANTING  
AUTHORIZATION

WELCH, Chairman; NUGENT Commissioner

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In this Order we authorize Robert M. Odlin to provide a water taxi and freight service in Casco Bay pursuant to the requirements of 35-A M.R.S.A. § 5101 and our Rules, Chapters 510 and 520. Mr. Odlin will provide on demand, unscheduled, one-way taxi service in Casco Bay at rates which meet the minimum tariff requirements set forth in Chapter 520 § 2(E)(ii). Mr. Odlin is also authorized to provide freight service subject to filing a tariff setting forth the rates for that service.

Pursuant to Chapter 520, the Commission is required to authorize water taxi service which meets the following statutory definition:

"Water Taxi Service" means an on-demand, Unscheduled, one-way service in Casco Bay at no less than the minimum tariff as defined in E(ii) of this rule, that stops at one or more of the Regulated Islands and which is provided for six or fewer passengers and their accompanying hand luggage.

MPUC Rules, Ch. 520 § 2(L). In addition, the minimum tariff for the water taxi service must be a flat rate which is not less than six times the current Casco Bay Island Transit District (CBITD) round trip, single ticket adult fare for the same origination and termination points. Id. at § (2)(E)(ii). Finally, any business proposing to provide water taxi service must serve CBITD with a complete copy of the application filed with the PUC. Id. at § 3(B)(ii). If no objections to the application are filed within 2 weeks of PUC filing, a hearing need not be held on the application and authorization shall be granted. Id. at § 3(B)(iii).

With regard to freight service, 35-A M.R.S.A. § 5104 exempts carriage of commodities in bulk from Commission regulation while 35-A M.R.S.A. § 5101-D requires a certificate of public convenience and necessity (CPCN) for carriage of vehicles

carrying freight. There are no statutory requirements relating to freight which does not fit in either of the above-described categories.

Mr. Odlin filed his application for authorization to provide service in Casco Bay with the Commission on July 27, 1998. Mr. Odlin proposes to provide on demand, unscheduled taxi service to six islands in Casco Bay at rates which exceed six times the current adult fares charged by the CBITD. See Application attached to this Order. In addition, the passenger capacity will be limited to six passengers. Id. It appears that Mr. Odlin's proposed taxi service meets the Commission's requirements.

With regard to freight service, Mr. Odlin did not specify the type of freight to be carried or the applicable rates. Given the fact that Mr. Odlin's boat is only 32 feet long, it would be impossible for him to transport vehicles, and thus a CPCN is unnecessary. Accordingly, we will approve Mr. Odlin's application to provide freight service subject to his filing of a tariff with the Commission within 30 days.

Finally, we note that Mr. Oldin certified that a complete copy of the application was served on CBITD. Id. No objections to Mr. Odlin's Application have been filed with the Commission. Id.

Accordingly, we

O R D E R

that Robert M. Odlin, is authorized to provide water taxi service in Casco Bay as set forth in the Application attached to this Order and to provide freight service in Casco Bay subject to the filing of a tariff for that service with the Commission.

Dated at Augusta, Maine this 11th day of August, 1998.

BY ORDER OF THE COMMISSION

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Dennis Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which a reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:

The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.